

Exhibit 12

To the Zakarin Reply Declaration
in further support of
Extreme's motion for Summary Judgment

RUSSELL EMANUEL VOLUME I
TWELVE SIXTY LLC vs EXTREME MUSIC LIBRARY

July 10, 2018

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TWELVE SIXTY LLC, ARON MARDEROSIAN,
ROBERT MARDEROSIAN,

Plaintiffs,

vs. Civil Action No. 1:17-CV-01479-PAC

EXTREME MUSIC LIBRARY LIMITED, A DIVISION
OF SONY/ATV MUSIC PUBLISHING; EXTREME MUSIC
LIMITED; VIACOM INTERNATIONAL, INC.; NEW
CREATIVE MIX, INC.; HYPE PRODUCTION MUSIC,

Defendants.

VIDEOTAPED DEPOSITION OF
RUSSELL EMANUEL
VOLUME I

July 10, 2018

9:07 a.m. - 3:00 p.m.

10100 Santa Monica Boulevard, Suite 2200
Los Angeles, CA 90067

DAVID OCANAS, CSR NO. 12567

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APPEARANCES OF COUNSEL

On Behalf of the PLAINTIFFS:

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1 APPEARANCES (CONTINUED) :

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4 TODD BULLOCK
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1 Q. Have you participated in any conversations
2 with anyone at Viacom that the annual fee that
3 Viacom is paying is being paid in an effort to
4 avoid any contribution that they have to make to
5 any PRO?

6 MR. ZAKARIN: You can answer that
7 question.

8 THE WITNESS: No.

9 BY MR. MARDEROSIAN:

10 Q. Let's to go Exhibit E-1.
11 Have you had a chance to look this over?
12 You read this article before; right?

13 A. Yes.

14 Q. Is it correct, the first paragraph:
15 "The market for production music has grown
16 to be worth an estimated \$2 billion globally
17 ranging from television and film scoring to
18 electronic gaming and licensing for commercials";
19 is that an accurate statement?

20 A. I don't know.

21 Q. Did you make the statement?

22 A. No.

23 Q. Did you approve the article?

24 A. No.

25 Q. You were interviewed?

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1 A. I don't get approval.

2 Q. What do you mean you don't get -- you
3 didn't get approval of the content?

4 A. Right.

5 Q. Is there -- was there a press release
6 prepared by Extreme Music that contributed to this
7 article?

8 A. They took stuff from the press release,
9 but this was an interview.

10 Q. So is that a true statement or not? You
11 have been in what you call production music.

12 In 2017, they are representing -- Forbes
13 is representing to the public here that the market
14 has grown to be worth an estimated \$2 billion
15 globally.

16 A. I didn't make that statement.

17 Q. Is that a correct statement or not?

18 A. I don't know.

19 Q. You have no knowledge of that?

20 A. I have no knowledge.

21 Q. The bottom of the third paragraph says:

22 "While sitting in a boardroom
23 brainstorming ideas, Russell Emanuel," that's you;
24 right?

25 A. Yes.

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1 A. Which of those two questions?

2 Q. The question is to be truthful with me.
3 Do you tout yourself, Extreme Music, and yourself
4 as being the top dog, the global leader in terms of
5 exploitation and marketing production music or not?

6 A. Yes.

7 Q. How do you define production music?

8 Give me all the different strata of
9 production music from background to theme to
10 branding, sonic branding.

11 You know this.

12 A. Production music isn't sonic branding.

13 Q. It's not. How about Bleeding Fingers, is
14 that a mission of Bleeding Fingers, that they
15 develop music to brand certain products for sale in
16 marketing?

17 A. No.

18 Q. So what is production music? Educate me
19 on that.

20 You've been in it for a long time.

21 A. Essentially background music, film TV.

22 Q. Background music?

23 A. Background music. Although nowadays it's
24 more featured. The songs have become more
25 apparent.

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1 Q. When it's used in a Starbucks commercial,
2 is that considered background music?

3 A. We do get feature placements.

4 Q. When it's used in a Spiderman trailer, is
5 that considered background music? Yes or no?

6 A. You asked me to categorize production
7 music, I would say most people's understanding is
8 background music.

9 It also includes feature music.

10 Q. What do you mean by background music?

11 A. The difference between a commercial song
12 which is out there --

13 Q. Top 40?

14 A. Top 40 --

15 MR. ZAKARIN: Can you please let the
16 witness finish his statement without your
17 interrupting.

18 THE WITNESS: Its mission is not to sell
19 the song. Its mission is to sell the picture.

20 BY MR. MARDEROSIAN:

21 Q. Or the product?

22 A. If it's used in an ad --

23 Q. Sell Chrysler's Dodge Ram vehicles, motor
24 vehicles, whatever it may be, right, production
25 music is used for that purpose as well?

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CERTIFICATION

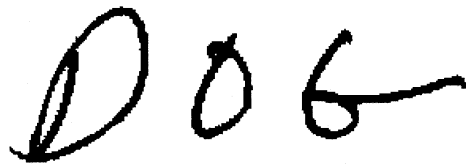
OF

CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witness in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties. Signed on the 11th day of July, 2018.



DAVID OCANAS, CSR NO. 12567